

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD SMITH,  
Plaintiff,

v.

SCHNABEL FOUNDATION COMPANY,  
Defendant.

Case No. [16-cv-05394-JD](#)

**ORDER CONDITIONALLY  
DISMISSING CASE**

The Court is advised that the parties have settled. Dkt. No. 22. Consequently, the Court vacates all pretrial deadlines and dismisses this case without prejudice. If any party certifies to the Court within **45 days** from the date of this order that the agreed consideration for the settlement of this action has not been delivered, this order will be vacated and the case will be set for a case management conference. If no certification is filed, the dismissal will be deemed to be **with prejudice** after the 45 days.

The parties are directed not to ask the Court for a “dismissal with prejudice” at any time after this order, or to ask for an order confirming dismissal under FRCP 41(a)(1). No Court order is necessary for dismissal under that rule.

**IT IS SO ORDERED.**

Dated: June 15, 2017

  
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JAMES DONATO  
United States District Judge